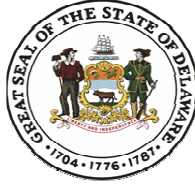


JOSEPH R. BIDEN, III
Attorney General



DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
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Civil Division (302) 577-8400
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KENT COUNTY
102 West Water Street
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SUSSEX COUNTY
114 E. Market Street
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PLEASE REPLY TO:

November 2, 2007

[New Castle County-Civil Division]

The Honorable Sue L. Robinson
United States District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: ***Collins v. Warden Raphael Williams and CMS***
D. Del., C.A. No. 05-624-SLR

Dear Judge Robinson:

Please consider this letter a response to Mr. Collins' letter dated November 2, 2007 and filed November 1, 2007. (D.I. 87). On October 30, 2007, I contacted Mr. Collins regarding the taking of his deposition in the above-captioned matter. I, as counsel for Warden Williams, had previously contacted counsel for CMS and we agreed that a deposition of Mr. Collins was necessary because Mr. Collins had refused to respond to either Defendant's discovery requests.

When I called Mr. Collins I explained to him that the Defendants would like to take his deposition. I asked him if he knew what a deposition was. Mr. Collins replied that he did not. I then explained to Mr. Collins that a deposition was a series of questions where his answers to the questions were given under oath subject to the laws relating to perjury and transcribed by a reporter. I told him that the purpose of the deposition was to ask questions about his claims in the case. I then told Mr. Collins that counsel for CMS and I would like to take his deposition on November 19. As his letter states, Mr. Collins refused to comply. (D.I. 87 at Sentence 2). I then informed him that he could refuse but that I would file papers with the Court to have the deposition taken

The Honorable Sue L. Robinson

November 2, 2007

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and that he could file his objections with the Court. Mr. Collins then told me that I would have to file my papers with the Court.

The next day, October 31, 2007, in accordance with Rules 30 and 45 of the Federal Rules of Civil Procedure, I filed a notice of deposition duces tecum for Mr. Collins' deposition. (D.I. 86). In addition, I had Mr. Collins served with a subpoena to appear at the deposition on November 19, 2007 and a copy of the notice of deposition. A copy of the executed subpoena was filed on today, November 2, 2007. (D.I. 88).

Please be advised that I never offered any advice to Mr. Collins. The Fifth Amendment was never mentioned in our conversation. As I explained to Mr. Collins, the purpose of the deposition on November 19 is to ask him questions about his claims in the above-captioned matter.

If the Court has any questions or concerns please contact me at (302) 577-8400. Thank you.

Sincerely,

/s/ Erika Y. Tross

Erika Y. Tross
Deputy Attorney General

EYT/vd

cc: Harry T. Collins, Plaintiff
James E. Drnec, Esq., counsel for CMS